



PATENT
Attorney Docket No. 402958

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:

TAKEI et al.

Application No. 10/766,961

Art Unit: 1753

Examiner: Unassigned

Filed: January 30, 2004

For: PLASTIC MAGNET PRECURSOR,
PRODUCTION METHOD FOR THE
SAME, AND PLASTIC MAGNET

PETITION TO CORRECT PATENT APPLICATION PAPERS

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

Pursuant to 37 CFR 1.53(e)(2) Applicants request correction of the application papers present in the image file wrapper for the referenced patent application.

Prosecution History

The referenced patent application was filed on January 30, 2004 without a Declaration but together with a Preliminary Amendment¹, an Information Disclosure Statement, and a priority document. The patent application included 38 pages of specification, one page of abstract, two pages of claims, and eight sheets of drawings. Proof of the filing of these papers is supplied by postcard receipts, one hand-carried and one mailed and bearing the application number. Copies of those two postcard receipts are attached.

09/25/2006 HARRIS 107316 10766961
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¹ A Supplemental Preliminary Amendment was filed June 16, 2004. All comments here pertain to the Preliminary Amendment filed with the patent application on January 30, 2004.

The Preliminary Amendment, a copy of which is attached, included drawing amendments to two sheets of drawings. Those sheets were included in the body of the Preliminary Amendment, as attached, and are distinguished by the legend "Replacement Sheet" at the top of each sheet. By contrast, in keeping with the practice of this office, the original eight sheets of drawings included a heading identifying the patent application by title, the first named inventor, the attorney docket number, the name of the undersigned's law firm, and the telephone number of the law firm.

A Notice to File Missing Parts for this patent application was mailed on June 14, 2004. The Notice required the payment of the filing fee, the filing of the Declaration, and payment of the associated surcharge. The Notice also stated that it appeared that Figures 13-15 had been omitted from the patent application. A response, with the Declaration and fees, was filed June 16, 2004. Through error and oversight, and unintentionally, the comment concerning the figures was not given attention and no response was made to the statement in the Notice that Figures 13-15 of the patent application appeared to be missing.

Applicants note that the transaction history of the referenced patent application in Private PAIR is not consistent with the image file wrapper. The transaction history acknowledges the filing of a Drawing Preliminary Amendment on January 30, 2004, i.e., simultaneously with the patent application. Further, the transaction history indicates that on June 16, 2004, when the response was filed to the Notice of Missing Parts, that "Ommitted [sic] Drawings. Applicant has petitioned that the Filing Date not be changed and the Petition has". A review of the application file clearly shows that no Petition has been previously filed in this patent application. These strange entries further support the conclusion, detailed below, that errors were made in the handling of this patent application within the U.S. Patent and Trademark Office.

Discovery of the Error

The undersigned reviewed the files of all foreign-origin U.S. patent applications in his law firm's Washington D.C. office on September 2, 2006. The purpose of the review was to identify files of U.S. patent applications that were no longer active could be sent to off-site storage. A number of active patent applications files for which there had been no examination activity for a substantial period of time were also noted in the course of this review. The present application was noted as such a file because this patent application had not received an examination report more than two and a half years after the filing of the patent application.

On September 5, 2006, the undersigned reviewed the records of PAIR for files of U.S. patent applications that had not been examined for what appeared to be a substantial period of time. On that day, the undersigned discovered, for the first time, the confusion in the drawings of the referenced patent application and the failure to respond completely to the Notice of June 14, 2004, namely that Figures 13-15, described in the specification, were missing from the patent application that appeared in the image file wrapper.

Relief Sought

Since it appears that errors occurred in the creation of the image file wrapper of the present patent application, a similar error having been observed by the undersigned in a different patent application, Applicants petition for correction of the application papers that appear in the image file wrapper. For that purpose, a complete copy of all original figures of the patent application is attached. The two drawing sheets including the drawing amendments made in the Preliminary Amendment are part of the attached copy of the Preliminary Amendment.

The Error and Its Source

The image file wrapper of the present patent application contains eight sheets of drawings. The first six sheets of drawings are correct and contain the legend applied at

the top of each original drawing sheet at the time of filing an original drawing sheet according to the practice in the Washington D.C. office of the undersigned's law firm.

The seventh sheet in the image file wrapper is not an original application drawing sheet but is a replacement sheet from the drawing amendment. That sheet includes Figures 11A, 11B, and 12. That sheet was supplied with and as part of the Preliminary Amendment as shown by the attached copy of the Preliminary Amendment. This sheet is distinguished from the original drawing sheets because it includes at the top the legend "Replacement Sheet" and not the legend applied in this office to original drawings filed with a patent application. While this seventh sheet of the image file wrapper is in the right position within the set of drawings, considering the figure numbers, it is apparent that the sheet is substantially different from the other sheets in view of the legend at the top of the sheet.

This eighth sheet of drawings in the image file wrapper should have been the original sheet including Figures 13-15. Instead, it is a replacement sheet including Figures 9, 10A, and 10B with an amendment (a change in the designation of a sectioning line in Figure 10A). If the person preparing the image file wrapper was intending to produce a complete set of all drawing figures, including all amendments, then a mistake was made in the final drawing sheet. The final drawing sheet should have been an original sheet including Figures 13-15. What is the eighth sheet in the image file wrapper should have been, in view of the likely goal, the sixth sheet.

It is believed that in disassembling the Preliminary Amendment to separate it into respective sections concerning the claims, the drawings, and the abstract, to prepare the image file wrapper, the replacement drawing sheets became or were intermixed with the original drawing sheets, with the inadvertent discarding of the original seventh and eighth sheets of drawings. The undersigned has experienced a similar event in another patent application in which replacement sheets of a preliminary amendment filed with a new patent application were interleaved with original drawing sheets. A Notice of a Non-Compliant Response was issued in that situation because the replacement drawing sheets were inserted into the pages of the original drawing sheets. However, in that instance,

the original drawing sheets were not discarded. Instead, the original drawing sheets for which there were replacements were used to replace the preliminary amendment drawings. The alleged non-compliance was the apparent failure to stamp "Replacement Sheet" on the amended figures. In fact, that heading appeared on the affected drawings in the alleged unamended drawing sheet set.² There was no non-compliance by the Applicants, only by the person preparing the image file wrapper.

In the present instance, it is apparent that the original sheets (sheets 1-6 of the image file wrapper) were submitted in a group, part of the eight original sheets, separately from the replacement drawing sheets. Careful inspection, which may require printing, of the image file wrapper sheets shows oblique staple holes in the upper left hand corner of the first six sheets of drawing. These staple hole artifacts were left when the original drawings, as submitted, were disassembled to create the image file wrapper. By contrast, vertical staple hole artifacts appear in the final two sheets of drawings, the Replacement sheets, and in every page of the Preliminary Amendment filed with those corrected drawings on January 30, 2004.³ These vertical staple hole artifacts confirm which of the drawing sheets were part of the Preliminary Amendment. Those drawing sheets were stapled separately from the eight original drawing sheets. Further, the staple hole artifacts in the first six drawing sheets support the postcard evidence that eight original drawing sheets were filed.

² The Petitions Officer considering this Petition is invited to inspect the file wrapper of 11/227,216 to confirm this prior experience. The "Drawings-Amendment Not Entered" (lacking a heading) are Figures 9, 11, 16, 19, 20, 21, and 22. An inspection of the "original" 21 sheets of drawings shows that Figures 9, 11, 16, 19, 20, 21, and 22 have the heading "Replacement Sheet". The staple hole artifacts in these sheets show that those replacement drawing sheets were stapled in a different group of sheets from the drawings that lack the Replacement Sheet legend. Some well-meaning but misinformed person creating the image file wrapper shuffled the original and amended drawings to make a single "corrected" set of drawings, possibly for quick publication of this continuation patent application.

³ The Preliminary Amendment was dismembered to prepare the image file wrapper. The Preliminary Amendment included an abstract amendment, specification amendment, and claim amendment that can be found on careful review of the image file wrapper entries for January 30, 2004.

Finally, the existence in the original patent application of the Figures 13-15 can be confirmed by consulting the priority document of the patent application which is in the image file wrapper and which contains a drawing sheet including those three figures.

Conclusion

The evidence available indicates that the patent application was filed with eight original sheets of drawings and two replacement sheets that were part of a Preliminary Amendment, that an error occurred in the creation of the image file wrapper, and that the undersigned failed to notice the indication of the allegedly missing drawing sheet in the Notice to File Missing Parts. These errors were not discovered until September 6, 2006. Thus, this petition is timely filed.

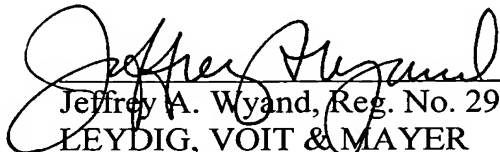
Applicants request that the image file wrapper be corrected, that the eight original sheets as attached be made a part of the image file wrapper patent application, and the replacement drawing sheets also be made a proper part of the image file wrapper patent application.

Further, Applicants request that the patent application not be published until these corrections are made. This patent application should have been published in approximately August 2004 based upon the foreign priority claim but, as of this date, has not been published. Should this Petition be granted after publication of the application, Applicants request republication of the corrected application without a re-publication fee.

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Application No. 10/766,961

The Petition fee pursuant to 37 CFR 1.17(f) should be charged to Deposit Account 12-1216. A duplicate copy of this Petition is attached for that purpose.

Respectfully submitted,


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Date: Sept 22, 2016
JAW:ves



PATENT
Attorney Docket No. 402958/SOGA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TAKEI et al.

Application No. Unassigned

Art Unit: Unassigned

Filed: January 30, 2004

Examiner: Unassigned

For: PLASTIC MAGNET PRECURSOR,
PRODUCTION METHOD FOR THE SAME,
AND PLASTIC MAGNET

PRELIMINARY AMENDMENT

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Prior to the examination of the above-identified patent application, please enter the following amendments and consider the following remarks.



In re Appln. of TAKEI et al.
Application No. Unassigned

SPECIFICATION AMENDMENTS

Replace the paragraph beginning at page 5, line 22 with:

Fig. 10A is a vertical cross-sectional view of a mold, and Fig. 10B is a vertical cross-sectional view taken on line ~~A-A~~ XB-XB of Fig. 10A;

Replace the paragraph beginning at page 6, line 1 with:

Fig. 11A is a vertical cross-sectional view of a mold, and Fig. 11B is a vertical cross-sectional view taken on line ~~B-B~~ XIB-XIB of Fig. 11A;



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Application No. Unassigned

CLAIM AMENDMENTS

1. (Currently Amended) A plastic magnet precursor comprising a thermoplastic resin powder and at least one ~~kind of~~ magnet powder, wherein said resin powder adheres around the magnet powder.
2. (Currently Amended) A plastic magnet precursor comprising a thermoplastic resin powder and at least one ~~of~~ magnet powder, wherein said magnet powder adheres around the resin powder.
3. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 1, wherein the at least one ~~kind of~~ magnet powder is coated with a coupling agent which bonds the magnet powder and the thermoplastic resin powder.
4. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 2, wherein the at least one ~~kind of~~ magnet powder is coated with a coupling agent which bonds the magnet powder and the thermoplastic resin powder.
5. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 1 further comprising an antioxidant which prevents oxidation of the thermoplastic resin powder.
6. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 2 further comprising an antioxidant which prevents oxidation of the thermoplastic resin powder.
7. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 1 further comprising a metal deactivator which prevents the magnet powder ~~from~~ from oxidizing the thermoplastic resin powder.
8. (Currently Amended) ~~A~~ The plastic magnet precursor according to claim 2 further comprising a metal deactivator which prevents the magnet powder ~~from~~ from oxidizing the thermoplastic resin powder.
9. (Original) A plastic magnet formed by injection molding of the plastic magnet precursor according to claim 1.

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10. (Original) A plastic magnet formed by injection molding of the plastic magnet precursor according to claim 2.

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ABSTRACT AMENDMENTS

Replace the Abstract with:

~~The present invention provides a~~ A plastic magnet precursor which can be supplied to a step of ~~in~~ molding a plastic magnet ~~at~~ with a constant composition without requiring a kneading ~~step~~ in which a resin is melted and sheared. Through injection molding using the precursor, a plastic magnet having little deterioration of magnetic properties and a small variation in quality is obtained. The plastic magnet precursor according to the present invention includes an Nd-Fe-B isotropic magnet powder (1) and a ferrite anisotropic magnet powder subjected to a coating ~~treatment~~ with a titanate coupling agent (4), and a thermoplastic resin powder (2) ~~is adhered around the magnet powder (1) to form a powder shape.~~

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AMENDMENTS TO THE DRAWINGS

The attached sheet includes changes to Figures 10A and 11A. These sheets replace the original sheets including Figs 10A and 11A. The Amendments conform the sectioning lines to U.S. practice.

Attachment: Replacement Sheet(s)



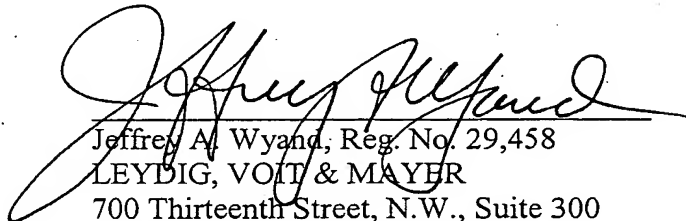
In re Appln. of TAKEI et al.
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REMARKS

The foregoing Amendment corrects translational errors and conforms the claims to United States practice. No new matter is added.

The drawing amendments conform the drawings to U.S. practice regarding sectioning lines.

Respectfully submitted,


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Date: January 30, 2004
JAW:kas

Amendment - Preliminary (Revised 7/29/03)

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Replacement Sheet

FIG. 11A

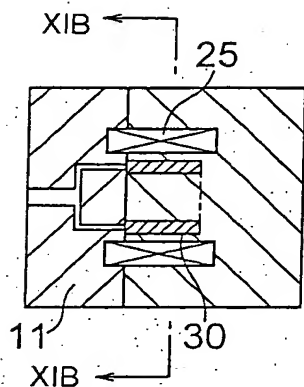


FIG. 11B

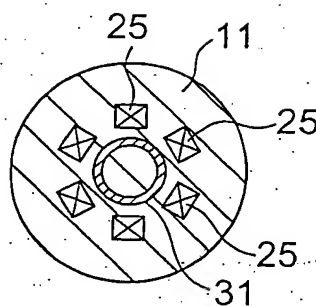
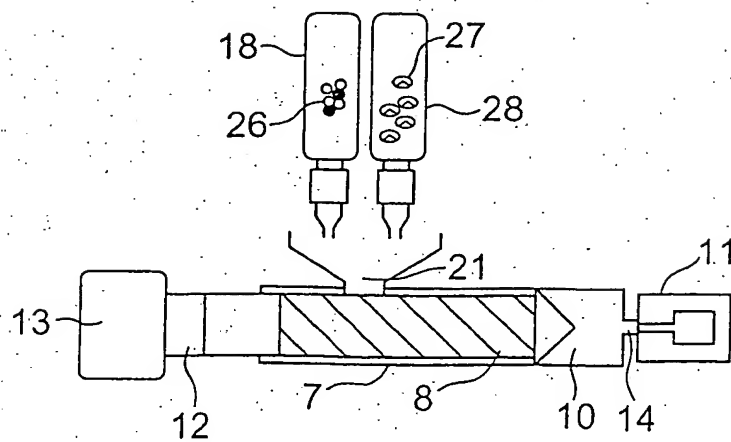


FIG. 12



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FIG. 9

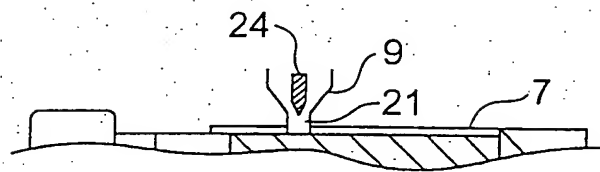


FIG. 10A

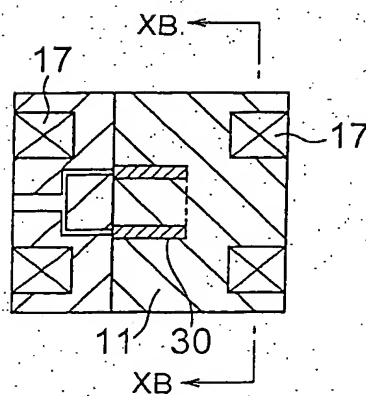


FIG. 10B

